

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRYAN LEE STETSON,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT  
OF CORRECTIONS, RICHARD  
MORGAN, KATHRYN L. BRUNER,

Defendants.

NO. C15-5524 BHS-KLS

ORDER DIRECTING CLERK TO  
CHANGE CAPTION

Plaintiff requested that Acting Department of Corrections Secretary Richard Morgan be substituted as the successor of Defendant Bernard Warner under Fed. R. Civ. P. 25(d). Dkt. 47. The Court granted plaintiff's motion on June 17, 2016, and ordered the Clerk of the Court to change the caption of this case to reflect Richard Morgan as defendant and to remove Bernard Warner as defendant. Dkt. 54. Plaintiff now moves the Court to correct its previous Order, stating that he intended to substitute Richard Morgan for Bernard Warner in his official capacity but maintain his claims against Bernard Warner in his personal capacity. Dkt. 56. Defendants are not opposed to the motion, but leave it to the Court's discretion whether to correct its previous order or to correct the caption. *See, e.g., Adamian v. Lombardi*, 608 F.2d 1224, 1225 (9th Cir. 1979) (action continues against public officer named in an individual capacity after

1 successor is substituted in official capacity pursuant to Fed. R. Civ. P. 25(d)). The Court finds  
2 that a correction to the caption is sufficient to give effect to plaintiff's intent.

3 Accordingly, it is **ORDERED**:

4 (1) Plaintiff's motion (Dkt. 56) is **GRANTED**.

5 (2) The Clerk is directed to change the caption and add "Bernard Warner, in his  
6 personal capacity only", as a defendant.

7 (3) The Clerk shall send a copy of this Order to plaintiff and counsel for defendants.

8 **DATED** this 22nd day of July, 2016.

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12 KAREN L. STROMBOM  
13 United States Magistrate Judge  
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